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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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JOSHUA HARTLEY,

Plaintiff,

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v.

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NATIONAL RAILROAD PASSENGER
CORPORATION,

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Defendant.

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CASE NO. C18-5576 BHS

ORDER GRANTING PLAINTIFF'S
MOTION FOR
RECONSIDERATION, VACATING
ORDER GRANTING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT,
GRANTING PLAINTIFF'S RULE
56(D) MOTION, AND DENYING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT
WITHOUT PREJUDICE

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This matter comes before the Court on the Court's order granting Defendant

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National Railroad Passenger Corporation's ("Amtrak") motion for summary judgment on

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punitive damages, Dkt. 25, and Plaintiff Joshua Hartley's ("Hartley") motion for

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reconsideration, Dkt. 28,

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On February 26, 2020, the Court granted Amtrak's motion for summary judgment.

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Dkt. 25. On March 11, 2020, Hartley filed the instant motion for reconsideration seeking

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the opportunity to submit additional evidence in support of his opposition after certain

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discovery is completed. Dkt. 28. On May 15, 2020, the Court requested a response from

1   Amtrak and renoted Hartley's motion. Dkt. 35. On May 19, 2020, Amtrak responded

2   and essentially conceded that reconsideration was warranted. Dkt. 36. Amtrak

3   acknowledged that the Court had granted additional discovery in other related cases on

4   the issue of punitive damages and offered to renew its motion for summary judgment

5   once that discovery was completed. *Id.* On May 22, 2020, Hartley replied. Dkt. 37.

6   The Court finds that it committed a legal error in failing to address Hartley's Rule

7   56(d) motion in response to Amtrak's motion for summary judgment. Therefore, the

8   Court **GRANTS** Hartley's motion for reconsideration, Dkt. 28, and **VACATES** it

9   previous order, Dkt. 25. Based on the parties' current positions, the Court **GRANTS**

10   Hartley's Rule 56(d) motion and **DENIES without prejudice** Amtrak's motion for

11   summary judgment on punitive damages, Dkt. 18.

12   **IT IS SO ORDERED**.

13   Dated this 27th day of May, 2020.

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16   BENJAMIN H. SETTLE
          United States District Judge

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ORDER - 2